

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

BARRY W. THOMAS

Plaintiff,

vs.

LEVEL 3 COMMUNICATIONS, LLC;  
NETGEAR, INC.; D-LINK SYSTEMS, INC.;  
CISCO SYSTEMS, INC.; AVAYA INC.; and  
VONAGE AMERICA INC.,

Defendants.

Case No. 3:05CV507-C

AGREED ORDER OF DISMISSAL

CAME ON TO BE CONSIDERED the Agreed Motion to Dismiss With Prejudice of Barry W. Thomas ("Thomas") and Avaya, Inc. ("Avaya"). The Court is of the opinion that the motion should be GRANTED.

IT IS, THEREFORE, ORDERED that the above-entitled cause and all claims made by Thomas against Avaya and all claims made by Avaya against Thomas therein are hereby DISMISSED with prejudice to the re-filing of same. All costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

This is a final judgment.

Signed: August 18, 2006

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  
